

DECEMBER 28, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IRA HOLTZMAN, individually and as the)
representative of a class of similarly-situated)
persons,)
Plaintiff,)
v.)
MICHAEL P. CAPLICE, d/b/a M. P.)
CAPLICE & ASSOCIATES,)
Defendant.)

07 C 7279

JUDGE MANNING
MAGISTRATE JUDGE COLE

PETITION FOR REMOVAL

TO: The Honorable Judges of the United States District Court
for the Northern District of Illinois

Petitioner/Defendant, MICHAEL P. CAPLICE d/b/a M. P. CAPLICE & ASSOCIATES
(hereinafter "Caplice"), by and through its attorneys, Clausen Miller, P.C., respectfully submits
this Petition for Removal of this action pursuant to 28 U.S.C. §1441, *et. seq.* In support of its
Petition for Removal, Petitioner states:

1. This is a civil action over which the District Courts of the United States have
original jurisdiction as provided in 28 U.S.C. §1331, because a federal question exists. Count I
of Plaintiff's Complaint alleges a violation of the Telephone Consumer Protection Act, 47 U.S.C.
§227. *See Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446 (7th Cir. 2005). Accordingly,
this action is removable to this Court pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441.

2. This cause is now pending in the Circuit Court of Cook County, Illinois, under the
name *Ira Holtzman, individually and as the representative of a class of similarly-situated
persons v. Michael P. Caplice d/b/a/ M. P. Caplice & Associates*, Case No. 07 CH 33326.

3. Pursuant to the provisions of 28 U.S.C. §1446, Petitioner/Defendant Caplice attaches as Exhibit A and incorporates herein a copy of the Summons and Complaint filed in the Circuit Court of Cook County, Illinois.

4. Removal of such action or proceeding to this United States District Court is timely pursuant to 28 U.S.C. §1446(b), because this Petition for Removal has been filed within thirty days (30) after the Complaint was served on November 29, 2007.

5. Petitioner/Defendant Caplice desires and is entitled to have this cause moved from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1331, and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §1441.

6. As required by law, written notice of the filing of this Petition for Removal has been given to Plaintiff. A true copy of the Notice will also be filed with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Petitioner requests that the above-entitled action be removed from the Circuit Court of Cook County, Illinois to this Court, and, henceforth, that this action be placed on the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Dated: December 28, 2007

Respectfully Submitted,

MICHAEL P. CAPLICE
D/B/A M. P. CAPLICE & ASSOCIATES

By: /s/ Maria Z. Vathis

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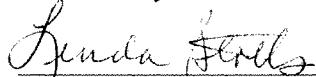
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE OF SERVICE

The undersigned after being duly sworn, deposes and says that he/she served a copy of this **Petition for Removal** upon:

Brian J. Wanca
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008

at the address listed above via U.S. Mail on the **28th** day of **December, 2007**.



Subscribed and sworn to before me
this 28th day of December, 2007.



Notary Public

